

ESTTA Tracking number: **ESTTA468349**

Filing date: **04/20/2012**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

### Petitioner Information

Name	Madison Chemical Industries Inc.		
Entity	Corporation	Citizenship	Canada
Address	490 McGeachie Drive Milton, Ontario, L9T 3Y5 CANADA		
Attorney information	Jeffrey A. Smith, Esq. Millen, White, Zelano & Branigan, P.C. 2200 Clarendon Boulevard, Suite 1400 Arlington, VA 22201 UNITED STATES smithj@mwzb.com, docketing@mwzb.com Phone:703-465-5355		

### Registration Subject to Cancellation

Registration No	2083447	Registration date	07/29/1997
Registrant	ILLINOIS TOOL WORKS INC. 3600 WEST LAKE AVENUE GLENVIEW, IL 60026 UNITED STATES		

### Goods/Services Subject to Cancellation

Class 017. First Use: 1995/05/00 First Use In Commerce: 1995/05/00 All goods and services in the class are cancelled, namely: adhesive sealants for [aircraft, aerospace, automotive, ] building construction, architectural, [major appliances, plastics ] and related uses
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### Grounds for Cancellation

Abandonment	Trademark Act section 14
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Attachments	Petition to Cancel with Exhibits.pdf ( 15 pages )(637096 bytes )
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## Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/jas/
Name	Jeffrey A. Smith, Esq.
Date	04/20/2012



## PETITION TO CANCEL

The grounds for cancellation are as follows:

1. The Registration issued July 29, 1997 on the Principal Register for the mark ACRYLETHANE ("the Registered Mark"), and is subsisting at the time of filing of this petition. *Attached as Exhibit A and incorporated by reference herein are true and correct copies of the PTO's TESS, TARR and Assignment records for this registration.*
2. Petitioner is a corporation organized and existing under the laws of Canada, having a principal place of business at 490 McGeachie Drive, Milton, Ontario, Canada L9T 3Y5 with a domestic representative upon whom notice or process in proceedings affecting the mark may be served being the law firm of Millen, White, Zelano & Branigan, P.C., 2200 Clarendon Boulevard, Suite 1400, Arlington, Virginia 22201, believes that it will be damaged by the registration which Petitioner is seeking through its attorneys to cancel.
3. Petitioner is the owner of a pending application filed under a Section 1(a) basis and a Section 44(e) basis on November 22, 2010 to register the mark ACRYLATHANE for "exterior grade corrosion resistant protective coating for use on metal, steel and alloy structures" in International Class 002 (App. No. 85/182,955), referred to hereinafter as "the Application". *Attached as Exhibit B and incorporated by reference herein are true and correct copies of the PTO's TESS, TARR and Assignment records for this application.*
4. The Application has been refused registration on the ground of likelihood of confusion with the Registration as to International Class 002. Thus, the continued presence of the Registration on the Principal Register is a source of damage and injury to the Petitioner, in that it interferes with the ability of Petitioner to secure the registration of the Application and may cast a cloud upon Petitioner's right to use, develop, and expand the use of the mark ACRYLATHANE.
5. Upon information and belief, Registrant has made no use of the Registered

Mark as to International Class 017 for at least three consecutive years prior to the filing of this petition, and does not intend to resume such use. As a result, the Registered Mark as to International Class 017 has become abandoned for the purposes of Section 45 of the Trademark Act, 15 USC § 1127, and should be cancelled on this basis.

WHEREFORE, the Petitioner prays that Registration No. 2,083,447 be cancelled as to International Class 017 and that this Petition for Cancellation as to International Class 017 be granted.

Madison Chemical Industries Inc.

Date: April 20, 2012

By: 

Jeffrey A. Smith  
Michael S. Culver  
Adam D. Mandell  
Millen, White, Zelano & Branigan, P.C.  
Suite 1400  
2200 Clarendon Boulevard  
Arlington, VA 22201  
Tel: (703) 243-6333  
Fax: (703) 243-6410  
E-Mails: [smithj@mwzb.com](mailto:smithj@mwzb.com);  
[culver@mwzb.com](mailto:culver@mwzb.com); [mandell@mwzb.com](mailto:mandell@mwzb.com)  
Attorneys for Petitioner

Certificate of Service

This is to certify that on this 20<sup>th</sup> day of April 2012 a copy of the foregoing was sent by first-class mail, postage prepaid, to Registrant's attorney of record:

Lynn A. Sullivan  
Leydig, Voit & Mayer, Ltd.  
Suite 4900  
Two Prudential Plaza  
180 North Stetson Ave.  
Chicago, IL 60601-6731

By: 

Attorney for Petitioner

## **EXHIBIT A**



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<b>Word Mark</b>	ACRYLETHANE
<b>Goods and Services</b>	IC 017. US 001 005 012 013 035 050. G & S: adhesive sealants for [aircraft, aerospace, automotive, ] building construction, architectural, [major appliances, plastics ] and related uses. FIRST USE: 19950500. FIRST USE IN COMMERCE: 19950500
<b>Mark Drawing Code</b>	(1) TYPED DRAWING
<b>Serial Number</b>	75091991
<b>Filing Date</b>	April 12, 1996
<b>Current Basis</b>	1A
<b>Original Filing Basis</b>	1A
<b>Published for Opposition</b>	May 6, 1997
<b>Registration Number</b>	2083447
<b>Registration Date</b>	July 29, 1997
<b>Owner</b>	(REGISTRANT) Schnee-Morehead, Inc. CORPORATION TEXAS 111 North Nursery Road Irving TEXAS 75060  (LAST LISTED OWNER) ILLINOIS TOOL WORKS INC. CORPORATION DELAWARE 3600 WEST LAKE AVENUE GLENVIEW ILLINOIS 60026
<b>Assignment Recorded</b>	ASSIGNMENT RECORDED
<b>Attorney of Record</b>	Lynn A. Sullivan
<b>Type of Mark Register</b>	TRADEMARK PRINCIPAL
<b>Affidavit Text</b>	SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20070806.
<b>Renewal</b>	1ST RENEWAL 20070806
<b>Live/Dead</b>	LIVE

Indicator

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Serial Number: 75091991 Assignment Information      Trademark Document Retrieval

Registration Number: 2083447

Mark(words only): ACRYLETHANE

Standard Character claim: No

Current Status: The registration has been renewed.

Date of Status: 2007-08-06

Filing Date: 1996-04-12

Transformed into a National Application: No

Registration Date: 1997-07-29

Register: Principal

Law Office Assigned: LAW OFFICE 104

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 830 -Post Registration

Date In Location: 2007-08-06

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**LAST APPLICANT(S)/OWNER(S) OF RECORD**

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1. ILLINOIS TOOL WORKS INC.

**Address:**

ILLINOIS TOOL WORKS INC.  
3600 WEST LAKE AVENUE  
GLENVIEW, IL 60026  
United States

**Legal Entity Type:** Corporation

**State or Country of Incorporation:** Delaware

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**GOODS AND/OR SERVICES**

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**International Class:** 017

**Class Status:** Active

adhesive sealants for building construction, architectural, and related uses

**Basis:** 1(a)

**First Use Date:** 1995-05-00

**First Use in Commerce Date:** 1995-05-00

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**ADDITIONAL INFORMATION**

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(NOT AVAILABLE)

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**MADRID PROTOCOL INFORMATION**

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(NOT AVAILABLE)

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**PROSECUTION HISTORY**

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**NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.**

2007-08-06 - First renewal 10 year

2007-08-06 - Section 8 (10-year) accepted/ Section 9 granted

2007-07-19 - Assigned To Paralegal

2007-06-27 - Combined Section 8 (10-year)/Section 9 filed

2007-06-27 - TEAS Section 8 & 9 Received

2007-03-08 - Case File In TICRS

2006-11-08 - Automatic Update Of Assignment Of Ownership

2005-11-16 - Attorney Revoked And/Or Appointed

2005-11-16 - TEAS Revoke/Appoint Attorney Received

2005-11-16 - Attorney Revoked And/Or Appointed

2005-11-16 - TEAS Revoke/Appoint Attorney Received

2003-01-04 - Section 8 (6-year) accepted & Section 15 acknowledged

2002-11-05 - Section 8 (6-year) and Section 15 Filed  
2002-11-05 - PAPER RECEIVED  
1997-07-29 - Registered - Principal Register  
1997-05-06 - Published for opposition  
1997-04-04 - Notice of publication  
1997-02-20 - Approved for Pub - Principal Register (Initial exam)  
1997-01-08 - Communication received from applicant  
1996-09-07 - Non-final action mailed

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**ATTORNEY/CORRESPONDENT INFORMATION**

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**Attorney of Record**

Lynn A. Sullivan

**Correspondent**

Lynn A. Sullivan

Leydig, Voit & Mayer, Ltd.

Suite 4900

Two Prudential Plaza, 180 N. Stetson Ave

Chicago IL 60601-6731

Phone Number: 312-616-5600

Fax Number: 312-616-5700

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## Trademark Assignment Abstract of Title

## Total Assignments: 2

Serial #: [75091991](#)

Filing Dt: 04/12/1996

Reg #: [2083447](#)

Reg. Dt: 07/29/1997

Registrant: Schnee-Morehead, Inc.

Mark: ACRYLETHANE

## Assignment: 1

Reel/Frame: [1705/0893](#)

Received: 03/27/1998

Recorded: 03/27/1998

Pages: 11

Conveyance: ASSIGNS THE ENTIRE INTEREST

Assignor: [SCHNEE-MOREHEAD, INC.](#)

Exec Dt: 01/01/1998

Entity Type: CORPORATION

Citizenship: TEXAS

Entity Type: BUSINESS TRUST

Citizenship: DELAWARE

Assignee: [SCHNEE-MOREHEAD BUSINESS TRUST](#)

111 NORTH NURSERY ROAD

IRVING, TEXAS 75060

Correspondent: GODWIN &amp; CARLTON, P.C.

JAMES L. KISSIRE

901 MAIN STREET, SUITE 2500

DALLAS, TEXAS 75202-3714

## Assignment: 2

Reel/Frame: [3422/0910](#)

Received: 11/06/2006

Recorded: 11/06/2006

Pages: 6

Conveyance: ASSIGNS THE ENTIRE INTEREST

Assignor: [SCHNEE-MOREHEAD BUSINESS TRUST](#)

Exec Dt: 10/17/2006

Entity Type: TRUSTEE

Citizenship: DELAWARE

Entity Type: CORPORATION

Citizenship: DELAWARE

Assignee: [ILLINOIS TOOL WORKS INC.](#)

3600 WEST LAKE AVENUE

GLENVIEW, ILLINOIS 60026

Correspondent: BEVERLY J. SHUNICK &amp; ASSOCIATES, INC.

P. O. BOX 1088

MORTON GROVE, IL 60053

Search Results as of: 04/20/2012 04:58 PM

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## **EXHIBIT B**



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# ACRYLATHANE

<b>Word Mark</b>	ACRYLATHANE
<b>Translations</b>	The wording "ACRYLATHANE" has no meaning in a foreign language.
<b>Goods and Services</b>	IC 002. US 006 011 016. G & S: Exterior grade corrosion resistant protective coatings for use on metal, steel and alloy structures. FIRST USE: 19781231. FIRST USE IN COMMERCE: 19790131
<b>Standard Characters Claimed</b>	
<b>Mark Drawing Code</b>	(4) STANDARD CHARACTER MARK
<b>Serial Number</b>	85182955
<b>Filing Date</b>	November 22, 2010
<b>Current Basis</b>	1A;44E
<b>Original Filing Basis</b>	1A;44E
<b>Owner</b>	(APPLICANT) Madison Chemical Industries Inc. CORPORATION CANADA 490 McGeachie Drive Milton, Ontario CANADA L9T3Y5
<b>Attorney of Record</b>	Jeffrey A. Smith
<b>Prior Registrations</b>	2922302;3039051;3081180
<b>Type of Mark</b>	TRADEMARK
<b>Register</b>	PRINCIPAL
<b>Live/Dead Indicator</b>	LIVE

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Serial Number: 85182955 Assignment Information Trademark Document Retrieval

Registration Number:(NOT AVAILABLE)

Mark

ACRYLATHANE

(words only): ACRYLATHANE

Standard Character claim: Yes

**Current Status:** A final Office action refusing registration has been sent(issued) because the applicant neither satisfied nor overcame all requirements and/or refusals previously raised. The applicant may respond by filing (1)a request for reconsideration; and/or (2) an appeal to the Trademark Trial and Appeal Board. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.

**Date of Status:** 2011-10-20

**Filing Date:** 2010-11-22

**Transformed into a National Application:** No

**Registration Date:** (DATE NOT AVAILABLE)

**Register:** Principal

**Law Office Assigned:** LAW OFFICE 106

**Attorney Assigned:**  
RICHARDS LESLIE L

**Current Location:** L6X -TMEG Law Office 106 - Examining Attorney Assigned

**Date In Location:** 2011-10-20

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LAST APPLICANT(S)/OWNER(S) OF RECORD

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1. Madison Chemical Industries Inc.

**Address:**

Madison Chemical Industries Inc.  
490 McGeachie Drive  
Milton, Ontario L9T3Y5  
Canada

**Legal Entity Type:** Corporation**State or Country of Incorporation:** Canada

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**GOODS AND/OR SERVICES****International Class:** 002**Class Status:** Active

Exterior grade corrosion resistant protective coatings for use on metal, steel and alloy structures

**Basis:** 1(a), 44(e)**First Use Date:** 1978-12-31**First Use in Commerce Date:** 1979-01-31

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**ADDITIONAL INFORMATION**

**Translation:** The wording "ACRYLATHANE" has no meaning in a foreign language.

**Prior Registration Number(s):**

2922302

3039051

3081180

**Foreign Registration Number:** TMA632443**Foreign Registration Date:** 2005-02-09**Country:** Canada**Foreign Expiration Date:** 2020-02-09

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**MADRID PROTOCOL INFORMATION**

(NOT AVAILABLE)

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**PROSECUTION HISTORY**

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2011-10-20 - Final refusal mailed

2011-10-20 - Final Refusal Written  
2011-09-28 - Teas/Email Correspondence Entered  
2011-09-28 - Communication received from applicant  
2011-09-14 - Assigned To LIE  
2011-09-09 - TEAS Response to Office Action Received  
2011-03-09 - Non-final action mailed  
2011-03-08 - Non-Final Action Written  
2011-03-01 - Assigned To Examiner  
2010-11-29 - New Application Office Supplied Data Entered In Tram  
2010-11-25 - New Application Entered In Tram

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**ATTORNEY/CORRESPONDENT INFORMATION**

---

**Attorney of Record**

Jeffrey A. Smith

**Correspondent**

JEFFREY A. SMITH  
MILLEN, WHITE, ZELANO & BRANIGAN, P.C.  
2200 CLARENDON BLVD STE 1400  
ARLINGTON, VA 22201-3360  
Phone Number: (703) 465-5355  
Fax Number: (703) 243-6410

**Domestic Representative**

Jeffrey A. Smith  
Phone Number: (703) 465-5355  
Fax Number: (703) 243-6410





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**No assignment has been recorded at the USPTO**

**For Serial Number: 85182955**

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Web interface last modified: Jan 26, 2012 v.2.3.1

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